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2292 7590 06/15/2009

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

PATEL, JAYESH A

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 06/15/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,718	09/25/2003	Kouji Yokouchi	2091-0297P	6370

TITLE OF INVENTION: IMAGE PROCESSING METHOD, IMAGE PROCESSOR, AND PROGRAM FOR CAUSING A COMPUTER TO EXECUTE THE PROCESSING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/15/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

2292 7590 06/15/2009
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,718	09/25/2003	Kouji Yokouchi	2091-0297P	6370

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/15/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, JAYESH A	2624	382-164000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- Issue Fee
- A check is enclosed.
- Publication Fee (No small entity discount permitted)
- Payment by credit card. Form PTO-2038 is attached.
- Advance Order - # of Copies _____
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS; SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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BIRCH STEWART KOLASCH & BIRCH				PATEL., JAYESH A
PO BOX 747				ART UNIT
FALLS CHURCH, VA 22040-0747				PAPER NUMBER
2624				
DATE MAILED: 06/15/2009				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 731 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 731 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No. 10/669,718 Examiner JAYESH PATEL	Applicant(s) YOKOUCHI, KOUJI Art Unit 2624
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment dated 03/06/2009.

2. The allowed claim(s) is/are 1-3,5-9,11-15,17-21,23 and 24.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

- a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

/Brian P. Werner/
Supervisory Patent Examiner, Art Unit 2624

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jason Rhodes. on June 06 2009.

The application has been amended as follows:

1. (Currently Amended) A method of performing image processing on an image synthesized from a natural image and a computer graphic (CG) image that has a single color, said method comprising:

utilizing [[at least one computer processor]] a computer processor to perform the steps of:

receiving via a computer input device designation of a region containing a natural-image region in the synthesized image;

temporarily dividing the designated region into the natural-image region and a CG-image region by extracting from the designated region pixels that have the same color as the color contained in a region of the synthesized image other than the designated region, wherein

when a first small region composed of pixels having the same color as the

color contained in the region other than the designated region is present in the designated region if the size of the first small region is greater than or equal to a threshold value, the first small region is extracted from the [[temporary]] designated region to be classified as part of the CG-image region, and

when a second small region composed of pixels having a color different from the color contained in the region other than the designated region is present in the designated region if the size of the second small region is greater than or equal to the threshold value, the second small region is not extracted from the designated region and is to be classified as part of the natural- image region;

dividing said synthesized image into the natural-image region and the CG-image region;

computing an image-processing parameter for said image processing, based on said natural-image region;

acquiring an intermediate image by performing said image processing on said synthesized image, based on said image-processing parameter; and

acquiring a processed image by synthesizing said natural-image region contained in said intermediate image and said CG-image region contained in said synthesized image.

2. (Original) The method as set forth in claim 1, wherein a boundary portion between said natural-image region and CG-image region contained in said

synthesized image is blurred and then said CG-image region in said synthesized image and said natural-image region in said intermediate image are synthesized.

3. (Original) The method as set forth in claim 1, wherein said synthesized image is obtained by reading out synthesized image data from a storage medium.

4. (Canceled)

5. (Previously Presented) The method as set forth in claim 1, wherein said divided natural image and CG image are displayed.

6. (Original) The method as set forth in claim 1, wherein a maximum rectangular region that is inscribed in said natural-image region is set; and said image-processing parameter is computed based on an image within said maximum rectangular region.

7. (Currently Amended) An apparatus for performing image processing on an image synthesized from a natural image and a computer graphic (CG) image that has a single color, said apparatus comprising:

a computer processor which executes the following:

a separation [[unit]] process for dividing said synthesized image into a natural-image region and a CG-image region, wherein

designation is received of a region containing the natural-image region in the synthesized image,

the designated region is temporarily divided into the natural-image region and the CG-image region by extracting from the designated region pixels that have the same color as the color contained in a region of the synthesized image other than the designated region, wherein

when a first small region composed of pixels having the same color as the color contained in the region other than the designated region is present in the designated region, if the size of the first small region is greater than or equal to a threshold value, the first small region is extracted from the designated region to be classified as part of the CG-image region, and

when a second small region composed of pixels having a color different from the color contained in the region other than the designated region is present in the designated region, if the size of the second small region is greater than or equal to the threshold value, the second small region is not extracted from the designated region and is to be classified as part of the natural-image region, and

said synthesized image is divided into the natural-image region and the CG-image region;

a parameter computation [[unit]] process for computing an image-processing parameter for said image processing, based on said natural-image region;

a processing [[unit]] process for acquiring an intermediate image by performing said image processing on said synthesized image, based on said image-processing parameter; and

a synthesis [[unit]] process for acquiring a processed image by synthesizing said natural-image region contained in said intermediate image and said CG-image region contained in said synthesized image.

8. (Currently Amended) The [[image processor]] apparatus as set forth in claim 7, wherein said synthesis [[unit]] process blurs a boundary portion between said natural-image region and CG-image region contained in said synthesized image and then synthesizes said CG-image region in said synthesized image and said natural-image region in said intermediate image.

9. (Currently Amended) The [[image processor]] apparatus as set forth in claim 7, further comprising a read-out [[unit]] process for obtaining said synthesized image by reading out synthesized image data from a storage medium.

10. (Canceled).

11. (Currently Amended) The [[image processor]] apparatus as set forth in claim 7, further comprising a display screen for displaying said divided natural image and CG image.

12. (Currently Amended) The [[image processor]] apparatus as set forth in claim 7, wherein said parameter computation [[unit]] process sets a maximum rectangular region that is inscribed in said natural-image region, and computes said image-processing parameter, based on an image within said maximum rectangular region.

13. (Currently Amended) A system for performing image processing on an image synthesized from a natural image and a computer graphic (CG) image that has a single color, said system comprising:

a computer input device configured to receive designation of a region containing a natural-image region in the synthesized image; and

a computer processor programmed to:

temporarily divide the designated region into the natural-image region and a CG-image region by extracting from the designated region pixels that have the same color as the color contained in a region of the synthesized image other than the designated region, wherein

when a first small region composed of pixels having the same color as the color contained in the region other than the designated region is present in the designated region, if the size of the first small region is greater than or equal to a threshold value, the first small region is extracted from the designated region to be classified as part of the CG-image region, and

when a second small region composed of pixels having a color different from the color contained in the region other than the designated region is present in the designated region, if the size of the second small region is greater than or equal to the threshold value, the second small region is not extracted from the designated region and is to be classified as part of the natural-image region,

divide said synthesized image into the natural-image region and a CG-image region,

compute an image-processing parameter for said image processing, based on said natural-image region,

acquire an intermediate image by performing said image processing on said synthesized image, based on said image-processing parameter, and

acquire a processed image by synthesizing said natural-image region contained in said intermediate image and said CG-image region contained in said synthesized image.

14. (Currently Amended) The system as set forth in claim 13, wherein [[said at least one computer processor]] said computer processor employs a procedure of blurring a boundary portion between said natural-image region and CG-image region contained in said synthesized image and then synthesizing said CG-image region in said synthesized image and said natural-image region in said intermediate image.

15. (Previously presented) The system as set forth in claim 13, further comprising a device configured to obtain said synthesized image by reading out synthesized image data from a storage medium.

16. (Canceled)

17. (Previously presented) The system as set forth in claim 13, further comprising a device configured to display said divided natural image and CG image.

18. (Currently Amended) The system as set forth in claim 13, wherein said [[parameter computation procedure]] image-processing parameter computation is a procedure of setting a maximum rectangular region that is inscribed in said natural-image region, and computing said image-processing parameter, based on an image within said maximum rectangular region.

19. (Currently Amended) A computer readable [[storage device]] recording medium having recorded therein a program for causing a computer to execute a method of performing image processing on an image synthesized from a natural image and a computer graphic (CG) image that has a single color, said program comprising:

a procedure of receiving designation of a region containing a natural-image region in the synthesized image;

a procedure of temporarily dividing the designated region into the natural-image region and a CG-image region by extracting from the designated region pixels that have the same color as the color contained in a region of the synthesized image, other than the designated region; wherein

when a first small region composed of pixels having the same color as the color contained in the region other than the designated region is present in the designated region if the size of the first small region is greater than or equal to a threshold value, the first small region is extracted from the designated region to be classified as part of the CG-image region, and

when a second small region composed of pixels having a color different from the color contained in the region other than the designated region is present in the designated region if the size of the second small region is greater than or equal to the threshold value, the second small region is not extracted from the designated region and is to be classified as part of the natural-image region;

a procedure of dividing said synthesized image into the natural-image region and the CG- image region;

a procedure of computing an image-processing parameter for said image processing, based on said natural-image region;

a procedure of acquiring an intermediate image by performing said image processing on said synthesized image, based on said image-processing parameter; and

a procedure of acquiring a processed image by synthesizing said

natural-image region contained in said intermediate image and said CG-image region contained in said synthesized image.

20. (Original)The computer readable recording medium as set forth in claim 19, wherein said synthesis procedure is a procedure of blurring a boundary portion between said natural- image region and CG-image region contained in said synthesized image and then synthesizing said CG-image region in said synthesized image and said natural-image region in said intermediate image.

21. (Original) The computer readable recording medium as set forth in claim 19, wherein the program further comprises a procedure of obtaining said synthesized image by reading out synthesized image data from a storage medium.

22. (Canceled)

23. (Previously presented) The computer readable recording medium as set forth in claim 19, wherein the program further comprises a procedure of displaying said divided natural image and CG image.

24. (Original) The computer readable recording medium as set forth in claim 19, wherein said parameter computation procedure is a procedure of setting a maximum rectangular region that is inscribed in said natural-image region, and

computing said image-processing parameter, based on an image within said maximum rectangular region.

Reasons for allowance

The following is an examiner's statement of reasons for allowance: None of the prior arts cited on PTO 892 disclose alone or in combination " temporarily dividing the designated region into the natural-image region and a CG-image region by extracting from the designated region pixels that have the same color as the color contained in a region of the synthesized image other than the designated region, wherein

when a first small region composed of pixels having the same color as the color contained in the region other than the designated region is present in the designated region if the size of the first small region is greater than or equal to a threshold value, the first small region is extracted from the designated region to be classified as part of the CG-image region, and

when a second small region composed of pixels having a color different from the color contained in the region other than the designated region is present in the designated region if the size of the second small region is greater than or equal to the threshold value, the second small region is not extracted from the designated region and is to be classified as part of the natural- image region;

dividing said synthesized image into the natural-image region and the CG-image region;

computing an image-processing parameter for said image processing, based on said natural-image region; acquiring an intermediate image by performing said image processing on said synthesized image, based on said image-processing parameter" as recited in the independent claims 1,7,13 and 19, therefore Independent claims 1,7,13 and 19 are allowed over the closest prior arts on record. Claims 2-3,5-9,11-15, 17-21 and 23-24 depends directly or indirectly on the independent claims 1,7,13 and 19 therefore they are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAYESH PATEL whose telephone number is (571)270-1227. The examiner can normally be reached on 5-4-9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/05/2009
/JAYESH PATEL/
Examiner, Art Unit 2624

/Brian P. Werner/
Supervisory Patent Examiner, Art Unit 2624